

MINUTES

TOWN BOARD MEETING

Town of Polk Town Hall * 3680 State HWY 60

Tuesday July 12, 2016 at 7:30 pm

APPROVED 8/11/16

Meeting was called to order at 7:30 pm. The Pledge of Allegiance was recited.

Verification of Official Meeting Notice. Notice was given to the West Bend Daily News, Hartford Times Press, Milwaukee Journal Sentinel, WBKV/WTKM radio station and posted at Cedar Lake Hills Subdivision, Roskopf's RV Center, the Town Hall and on the Town website.

Roll Call - present: Chairman Albert Schulteis, Supervisor Theodore Merten, Supervisor Robert Roecker, Treasurer and Zoning Secretary, Tracy Groth and Clerk, Diana Degnitz.

Moment of silent prayer

Public Comments –Dale Klumb, 3507 Townline Road. Mr Klumb recognized Resolution #2016-03 - 2016 Noxious Weeds on the Agenda and commented that the Town should lower the acreage for a lot by at least half. No additional comments were made and Chairman Schulteis closed public comments.

Approval of Minutes

- June 3, 2016 – Board of Review Meeting - motion by Robert Roecker to approve the Minutes as written. Motion seconded by Theodore Merten. All voted in favor, motion carried.
- June 14, 2016 Town Board Meeting - motion by Robert Roecker to approve the Minutes with the following corrections – Item C to read “Motion by Robert Roecker to send Petition #05-2016 to the Plan Commission for review. Motion seconded by Theodore Merten All voted in favor, motion carried.” And Item D to read “Motion by Theodore Merten to send Petition #06-2016 to the Plan Commission for review. Motion seconded by Robert Roecker. All voted in favor, motion carried.” Motion seconded by Theodore Merten. All voted in favor and the motion carried.

Sheriff's Report – Deputy Jerrod Cox provided the attached report. Highlights include 565 calls for service, 26 accidents including 8 deer related and two hit and runs. 4 disorderly conduct calls, one drug-related call. 275 property checks and 67 traffic stops. Deputy Cox also mentioned “asphalt scams” happening this time of year. Deputy Cox explained that often the “scammer” will approach a home owner that they are “pouring down the road” and might try to scam the owner. Deputy Cox also noted that the Sheriff's Department has had incidents of storage unit break in's not specifically in the Town of Polk, but asked that should anyone notice any odd activity especially late at night near those units areas that they contact the Department.

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Chairman's report – Salt Contract received from the State – \$65.26/ton (just under \$67.00/ton last year). Washington County All Hazard Mitigation Planning meeting to be held August 10, 2016 from 6-8 pm.

Treasurer's Report of Revenue and Expenditures – presented by Tracy Groth. Motion by Theodore Merten to approve report as submitted including check numbers 8560-8602. Motion seconded by Robert Roecker. All voted in favor, motion carried.

UNFINISHED BUSINESS – none

NEW BUSINESS

- A. **Bartender Operator Licenses – Jordan Becker-Scenic View, Ashlee Belling-Scenic View, Jennifer Homuth-Pioneer Plaza, Renewals from 41 North-Trish Roethle, Emily Wilburn, Jessica Held and Steve Twiford.** Motion by Robert Roecker to approve Operator/Bartender licenses as listed. Motion seconded by Theodore Merten. All voted in favor and the motion passed.
- B. **Resolution 2016-03 – 2016 Noxious Weeds.** Chairman Schulteis cautioned that the Town has a lot of wild parsnip in the area. Motion by Robert Roecker to approve the Resolution. Motion seconded by Theodore Merten. All voted in favor and the motion passed.
- C. **Town Board Attendance at 2016 Wisconsin Towns Association Leadership Development Session – August 16, 2016. Cost is \$79.00. Chairman Schulteis to attend.** Supervisor Roecker indicated that he would like to attend as well. Motion by Theodore Merten to approve the funding. Motion seconded by Robert Roecker. All voted in favor and the motion carried.
- D. **Conceptual CSM to create (2) 5 +/- parcels from a 10 acre parcel with access from Briarvale Drive in accordance with Title XI Land Division Ordinance. CSM 4076, Section 2. Polk, Washington County, Wisconsin. Zoned A-1 General Agricultural District. Tax Key T9-0028-00C. Dale & Dawn Klumb; Dennis & Diane Hambly, Property Owners.** Chairman Schulteis invited Mr Klumb to make a presentation. Prior to Mr Klumb's presentation, Supervisor Roecker recused himself from this item. Mr Klumb began that after going before the Plan Commission he would agree to a cul de sac at the end of his property on Briarvale Drive according to Town specifications. Mr Klumb went on to state to the Board that after checking with attorneys there are no ordinances that limits you from approving this and that "the only thing people complaining about this can do is vote you out." Mr Klumb stated that he believes and was told more than once that the cost of the road doesn't matter. Mr Klumb can't see spending an extra \$110,000 when

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\$30,000 - \$35,000 would do the same thing and there is no common-sense reason not to come in off of Briardale. Mr Klumb stated that he purchased the property 25 years ago and that a designation for a half mile road requirement should have been made by the Plan Commission or the Town Board then. Mr Klumb mentioned the Mike Robinson property and that he had surveys. Mr Klumb stated there is a 66 foot road reservation there. Secretary Groth stated that the area in question is not a road reservation but is a private driveway easement. Mr Klumb asked if it is the Town's position to just keep sticking private roads in the Town. Chairman Schulteis answered that anytime there is a land division that a private road be required. Mr Klumb stated that he believes there is prejudice against him because he owns an excavating company. Mr Klumb stated that was all he had to say, that he didn't understand and that he would see what happens. Chairman Schulteis thanked Mr Klumb. Diane Hambly, 3503 Townline Road spoke next. Ms Hambly stated that she wanted to clarify the reservation off of Briardale is owned by the Town of Polk and Chairman Schulteis confirmed that to be correct. Ms Hambly commented that the Town Board and the Plan Commission as well as she and her associates are trying to be fiscally responsible with their investment. Ms Hambly stated that the costs associated with installing a road to two lots would not be fiscally responsible. Ms Hambly then asked what the main objection is to coming in off of Briardale. Chairman Schulteis indicated that the proposal went before two Plan Commissions, one in 1993 and at that time it was agreed upon that for a three lot subdivision a road would be installed from Townline Road. It was also agreed at that time that if the land owners came before the Town Board again to divide the property it would be a private road coming in from Townline Road. Chairman Schulteis indicated that two different Plan Commissions 23 years apart were presented with this proposal and both came back with the same requirements and decision. Ms Hambly asked if the criteria was the same in 1993 with regard to asphalt. Chairman Schulteis answered that the land division would have been the same from 1984 on. Ms Hambly asked that there be a reasonable solution. Mr Klumb stated sooner than later eventually the minimum lot size would be lower than 5 acres and asked if the land in question could be divided into smaller lot sizes. Chairman Schulteis indicated that the lot size was already established and that to lower lot sizes would require re-establishing the entire subdivision. Chairman Schulteis asked for any additional comments. Jane Foscatto, 4820 Glenway Court. Ms Foscatto indicated that she had presented her concerns to the Plan Commission and would be restating her opposition to this road plan. Ms Foscatto cited concerns regarding her property values decreasing as a result of the proposed road installation potentially affecting her property on 3 sides. Ms Foscatto also mentioned Stacy Kaiser's property values as the proposed road would affect that land owner's driveway. Ms Foscatto stated that she has been a resident of the Town of Polk for 39 years. Chairman Schulteis questioned Ms Foscatto's statement that her property would be affected on 3 sides and it was clarified that the property could be affected on 3 sides

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but as planned would affect two sides. Dave Herr, 4814 Glenway Court spoke regarding Far Horizons subdivision and stated that two lots fully developed and landscaped would be affected by the road proposal. Mr Klumb asked whether the area in question near Stacy Kaiser's property was granted permission to landscape the land owned by the Town. Mr Klumb stated that this is going to be a problem and that there is no reason for the Town to not say yes. Chairman Schulteis indicated that he cannot explain the situation further as threats of litigation have been made. Mr Klumb stated that he had indicated that Chairman Schulteis would not like their next approach. Chairman Schulteis motioned to deny road access from Briarvale. Supervisor Merten seconded the motion.

Supervisor Roecker rejoined the meeting.

- E. Petition 2016.05 by property owner to rezone from A-1 General Agricultural District to B-1 Business District a 5.02 acre parcel of land located at 3876 State Highway 60, for the purpose of business use/landscaping company. Property described as that part of the Southeast Quarter (SE ¼) of Section Fifteen (15), Township Ten (10) North of Range Nineteen (19) East, Town of Polk, Washington County, Wisconsin. Tax Key# T9-0586-00D Allen J. Peil, Property Owner. Motion by Theodore Merten to approve the petition as presented. Motion seconded by Robert Roecker. All voted in favor and the motion carried.**
- F. Certified Survey Map to create a 5 acre parcel from a 51.92 acre parcel in accordance with Town of Polk Title XI Land Division Ordinance. 4293 County Road P, Polk, Washington County, Wisconsin. Section 12. Zoned A-1 General Agricultural District. Tax Key # T9-0473-00Y. Daniel and Karen Vogt, Applicants. Joseph N and Ehtelreda A Weninger Trust, Property Owner. Motion by Robert Roecker to approve as presented. Motion seconded by Theodore Merten. All voted in favor and the motion carried.**

4. Adjourn – Motion by Robert Roecker to adjourn. Motion seconded by Theodore Merten. All voted in favor and meeting adjourned at 8:15 pm.

Respectfully submitted, Diana Degnitz, Clerk